GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

Public Servants - Revenue (Commercial Taxes) Department - Case under the Prevention of Corruption (Amendment) Act, 2018 for the allegation of demand and acceptance of bribe against Sri Pounjula Nagendra Prasad, Assistant Commissioner (State Tax), Circle-1, Kurnool, O/o.Joint Commissioner (State Tax) of Commercial Taxes Department, Kurnool, now retired from service on 31.10.2020 - Trapped on 07.12.2018 - Departmental action initiated in ACB trap case - Articles of Charges framed against the Charged Officer – Inquiry Authority - Appointment - Orders - Issued.

REVENUE (VIGILANCE-VI) DEPARTMENT

G.O.RT.No. 770 Dated: 29-07-2025

Read the following:-

1. From the DG, ACB, Lr.Rc.No.133/RCT-KUR/2019-S.6, dated 17.01.2019.
2. From the DG, ACB, Lr.Rc.No.133/RCT-KUR/2018, dated 21.12.2023.
3. G.O.Rt.No.532, Revenue (Vigilance-VI) Dept., dated 05.08.2024.
4. G.O.Rt.No.533, Revenue (Vigilance-VI) Dept., dated 05.08.2024.
5. From the DG, ACB, Lr.Rc.No.133/RCT-KUR/2018, dated 21.12.2023.
6. Representation of Sri P.Nagendra Prasad, AC(ST), retired, dated 28.10.2024.

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ORDER:

Whereas, in the reference 1st read above, the Director General, Anti-Corruption Bureau has informed that Sri Pounjula Nagendra Prasad, AC (ST), Circle-1, Kurnool, O/o.JC(ST) of C.T.Dept., Kurnool dist., was trapped on 07.12.2018 at 18.55 hours when he demanded and accepted bribe amount of Rs.50,000/- from the complainant for doing official favour of "not inspecting the Anupama Hotel run by the complainant in RTC Bus Stand, Kurnool and not to issue notice imposing heavy tax on the hotel".

2. Whereas, in the reference 2nd read above, it has been brought to the notice of the Government that Sri P Nagendra Prasad, ACTO (Retd.) has been caught in a trap conducted by the ACB authorities. He had demanded and accepted a bribe of Rs.50,000/- from the complainant. The bribe was solicited in exchange for not inspecting the Anupama Hotel owned and operated by the complainant, which is located in the RTC Bus Stand area of Kurnool.

3. Whereas, in the reference 3rd read above, Govt., issued sanction orders to initiate departmental proceedings in ACB trap case against Sri P.Nagendra Prasad, the then AC (ST), Kurnool-1 Circle now retired from service on 31.10.2020 under Rule 9 of A.P.Revised Pension Rules, 1980. Whereas, in the reference 4th read above, Govt., have initiated departmental proceedings by framing article of charges under Rule 20 of A.P.Civil Services (CC&A) Rules, 1991 against Sri P.Nagendra Prasad, AC (ST), Kurnool-1 Circle, Kurnool dist., (now retd.) for violation of rules 3(1) & 3(2) of APCS (Conduct) Rules, 1964 i.e., demand and accepting bribe for an amount of Rs.50,000/-.

4. Whereas, in the reference 6th read above, the Charged Officer Sri P.Nagendra Prasad, AC (ST) (retd.) in his Written Statement of Defence dt.26.10.2024 has submitted that in G.O.Rt.Nos.532 & 533, Revenue (Vig-VI) Dept., dt.05.08.2024 it was opined that he has violated the provisions of Rule 3(1) & (2) of APCS (Conduct) Rules, 1964 on 07.12.2018 and for that it was proposed to take action under the provisions of APCS (CC&A) Rules, 1991 on 05.08.2024. But, he has retired from Govt.service on 31.10.2020 itself in the cadre of AC (ST), O/o.CC (ST). He has not a member of Civil Service of the State of A.P., since 31.10.2020. Action can be taken only against Govt.servants, except in the case of disciplinary proceedings which are already initiated against Govt.servants while they were in service. Hence, no action can be taken against him as on 05.08.2024, i.e., the date of issuance of 2 GOs, he has communicated with an AOCs vide G.O.Rt.Nos.532 & 533, Revenue (Vig-VI) Dept., dt.05.08.2024 wherein it was alleged that he was in abuse of his official position had demanded and accepted Rs.50,000/- towards illegal gratification from Sri Penikalapati Venkateswara Rao on 07.12.2018. For this misconduct it was proposed to take disciplinary action against him under APCS (CC&A) Rules, 1991 on 05.08.2024. Besides, even the restriction in the Rule 9(2) (b)(ii) of the A.P.Revised Pension Rules, 1980 clearly comes into play in the present case. The 4 years period specified therein from 07.12.2018 ended on 06.12.2022. Hence, even the said extended period is also of no application to his case. The Charges framed against him are patently illegal, without jurisdiction and not on merits as he has retired from service on 31.10.2020.

In this regard it is stated that the AO was trapped on 07.12.2018 while the CO is in service and the CO kept under suspension vide Proceedings of CCST's Ref.No.V1/837/2018, dt.11.12.2018. The AO was retired from service on 31.10.2020. The Rule 9 (2) (6) (a) of AP Revised Pension Rules, 1980 is reads as follows:-

> "(6) For the purpose of this rule- (a) departmental proceedings shall be deemed to be instituted on the date on which the statement of charges is issued to the Government servant or pensioner or if the Government servant has been placed under suspension from an earlier date; on such date"

Further, as per the clarification given by the Finance (HR.III-Pension) Department vide their Circular Memo.No.993083/FIN01-HR0CLI/9/2019-HR-III, dt.15.03.2020 that "the date of occurrence of the event is always the date of which the effect of the event is fell or found out in Rule 9(2) (b) (ii) of Andhra Pradesh Revised Pension Rules, 1980 (as per the judgement given by the Hon'ble High Court in W.P.No.38901 of 2017)".

5. And whereas, it is considered to appoint an Inquiry Officer to inquire into the charges framed against the aforementioned Charged Officer.

6. Now, therefore, Government in exercise of the powers conferred by Sub-Rule (2) of Rule 20 of Andhra Pradesh Civil Services (Classification, Control and Appeal) Rules, 1991, hereby appoints Sri A.Ravindranath Reddy, Jt.Commissioner as an Inquiry Officer to inquire into the charges framed against the Charged Officer Sri Pounjula Nagendra Prasad, Assistant Commissioner (State Tax), Circle-1, Kurnool, O/o.Joint Commissioner (State Tax) of Commercial Taxes Department, Kurnool, now retired from service on 31.10.2020. The Inquiry Officer is directed to submit his inquiry report, in duplicate, with his attestation, within two months. If the inquiry is not completed within this period, the Inquiry Officer shall obtain permission for an extension of time to complete the inquiry, explaining reasons as per the guidelines issued in G.O.Ms.No.91, General Administration (SER.C) Department, dated 12.09.2022 and further action will be taken against him in terms of circular instructions issued in Govt.Memo.No.2449208-REV01- CCST/2/ 2024-VIG-VI, dated 04.06.2024.

7. Copies of Article of Charge famed against the Charged Officer, along with the served copies and Written Statement of Defence and related documents are enclosed for ready reference.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

PEEYUSH KUMAR
PRINCIPAL SECRETARY TO GOVERNMENT

To
Sri A.Ravindranath Reddy, Jt.Commissioner & Inquiry Officer
(through the Chief Commissioner of State Tax, Andhra Pradesh,
Kunchanapalli, Guntur district)
The Chief Commissioner of State Tax, Andhra Pradesh,
Kunchanapalli, Guntur district
Sri Pounjula Nagendra Prasad, Assistant Commissioner (State Tax),
(retired) (through the CCST, A.P., Guntur district)

Copy to:-
The Director General, Anti-Corruption Bureau, Andhra Pradesh,
Vijayawada for favour of information
The Secretary to Vigilance Commissioner, A.P.Vigilance Commission,
for favour of information
SF/SCs (Comp.No.731958)

// FORWARDED :: BY ORDER //

SECTION OFFICER